

AO 450 (Rev. 5/85) Judgment in a Civil Case

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***United States District Court***

**Southern District of Ohio**

**JUDGMENT IN A CIVIL CASE**

**Mark Applegarth,**

**Plaintiff,**

**v.**

**Case Number: 2:07-cv-1207**

**Judge Smith**

**Warden, North Central Correctional Inst.,**

**Magistrate Judge Abel**

**Defendant.**

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

☒ **Decision by Court.** This action was decided by the Court without a trial or hearing.

**IT IS ORDERED AND ADJUDGED**

**Pursuant to and Order dated September 23, 2008, the Report and Recommendation is ADOPTED and AFFIRMED. This action is DISMISSED>**

**September 23, 2008**

**Date**

**s/JAMES BONINI**

**Clerk**

**s/Lisa V. Wright**

**(By) Deputy Clerk**